



**California Environmental
Protection Agency**

**ENVIRONMENTAL JUSTICE
ACTION PLAN**

August 2004 Draft

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1. INTRODUCTION

The California Environmental Protection Agency (Cal/EPA) and its Boards, Departments, and Office (BDOs) are conducting a long-term strategic planning process that includes reviewing programs, policies, and activities to identify and address any gaps that may impede the achievement of environmental justice. Environmental justice (EJ) is defined in California law (Government Code section 65040.12) as “the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws and policies.”

As part of the strategic planning process, Cal/EPA’s BDOs are developing specific EJ strategies and work plans to reflect their respective programmatic responsibilities and priorities. Recognizing that it may take some time to complete this process, the Secretary of Cal/EPA has directed staff to implement an interim EJ action plan to:

- Develop guidance on precautionary approaches;
- Develop guidance on cumulative impacts analysis;
- Improve tools for public participation and community capacity-building; and
- Ensure EJ considerations within the Governor’s Environmental Action Plan.

The Secretary has also directed that the EJ action plan be implemented with meaningful stakeholder input. The Secretary’s leadership in directing the development and implementation of the EJ action plan is consistent with Cal/EPA’s overall EJ responsibilities under the law (Public Resources Code Section 71110).

1.1 Purpose

The EJ action plan provides opportunities for Cal/EPA and its BDOs to take the initial steps toward addressing complex EJ issues such as precautionary approaches and cumulative impacts. Cal/EPA will explore options for addressing EJ issues and examine various ideas, concepts, and approaches – in a structured and focused manner. Cal/EPA will expand the current knowledge base regarding critical EJ topics, and develop tools and guidance to address the Secretary’s EJ priorities. Additionally, Cal/EPA will develop implementation options, including proposals for policy, regulatory, and statutory changes, to advance the integration of EJ into its environmental programs.

The EJ action plan should not be viewed as the ultimate mechanism to provide direct and immediate solutions to existing EJ problems in any particular impacted community. Instead, the EJ action plan is intended for Cal/EPA and its BDOs to assess different EJ scenarios, identify challenges and opportunities, explore practical application of strategies, and develop recommendations to address environmental justice gaps.

Cal/EPA recognizes the challenges in addressing environmental justice and acknowledges the necessity to seek opportunities to make environmental justice a tangible and consistent part of the way Cal/EPA's BDOs perform their regulatory functions. The activities in the EJ action plan are the initial steps toward achieving that objective.

1.2 Development, Implementation and Update

Cal/EPA released for public comment the proposed concepts and actions of the EJ action plan as a draft working document on May 12, 2004. Staff conducted a public workshop on June 28, 2004, to obtain stakeholder input on the activities proposed in the draft working document. Written comments on the draft working document were accepted through July 1, 2004 (comments received are available on Cal/EPA's EJ website at www.calepa.ca.gov/EnvJustice). Staff refined the proposals and concepts in the May draft working document and released a revised draft EJ action plan on August 13, 2004, for a 30-day public comment period.

The EJ action plan will be updated by Cal/EPA as-needed in response to new, significant and relevant information, opportunities, or needs. Cal/EPA continues to welcome comments on all efforts to integrate environmental justice into its programs, policies, and activities. Comments on the EJ action plan should be directed to:

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2. EJ ACTION PLAN

There is much to be done to integrate EJ into Cal/EPA's environmental quality programs. These efforts must be conducted in a thoughtful and deliberate manner; however, this should not prevent Cal/EPA from exploring new ideas for implementing EJ concepts and addressing critical EJ issues. The activities in the EJ action plan provide opportunities for Cal/EPA and its BDOs to explore concepts and develop tools in moving forward on specific priorities identified by the Secretary – precautionary approaches, cumulative impacts, public participation, and community capacity-building. Cal/EPA's BDOs will each lead a specific activity in the EJ action plan, under the general direction of the Office of the Secretary.

2.1 Develop Guidance on Precautionary Approaches

Cal/EPA's California Integrated Waste Management Board (CIWMB) staff will lead the intra-agency Precautionary Approaches Workgroup (with representatives from all Cal/EPA BDOs) to accomplish, with appropriate stakeholder input, the following by the summer of 2005:

- Identify where/how precautionary approaches are used, or could be used, in Cal/EPA's environmental programs; evaluate whether additional precaution is needed to address or prevent environmental justice problems; and identify obstacles to precautionary actions.
- Identify reasonable, cost-effective approaches that could be used to prevent or minimize adverse environmental impacts.
- Develop guidance on precautionary approaches and recommend implementation options, including proposals for policy, regulatory, and statutory changes.

2.2 Develop Guidance on Cumulative Impacts

Cal/EPA's Office of Environmental Health Hazard Assessment (OEHHA) staff will lead the intra-agency Multi-media Cumulative Impacts Workgroup (with representatives from all Cal/EPA BDOs) to accomplish, with appropriate stakeholder input, the following by the summer of 2005:

- Develop a common, objective definition for multi-media cumulative impacts.
- Inventory current cumulative impacts studies, protocols, and tools, and identify needs to be addressed.
- Develop criteria and protocols for identifying and addressing environmental justice gaps in standard risk assessment.
- Develop guidance on multi-media cumulative impacts analysis, prevention and reduction; and recommend implementation options, including proposals for policy, regulatory, and statutory changes.

The May 2004 draft working document included a proposal for pilot projects on cumulative impacts. Cal/EPA has refined this pilot project concept to include examination of practical precautionary approaches and to focus on certain priorities outlined in the Governor's Environmental Action Plan, as discussed in item 2.3.

2.3 Ensure EJ Considerations within the Governor's Environmental Action Plan

The Governor's Environmental Action Plan outlines initiatives to protect and restore California's air, water and landscapes. Several of these initiatives have significant environmental justice implication. Cal/EPA will monitor the following efforts to ensure EJ considerations in the Governor's Environmental Action Plan:

- Focus on children's health.
- Reduce air pollution by up to 50%.
- Get gross-polluting vehicles off the road now.
- Protect California's water supply and water quality.
- Restore our urban environments.
- Ensure tough enforcement of existing laws.

Additionally, Cal/EPA and its BDOs will develop and conduct pilot projects that incorporate some of the themes in the Governor's Environmental Action Plan. Cal/EPA's EJ pilot projects will focus on children's environmental health, with the purpose of exploring practical application of precautionary approaches and mitigation strategies to reduce children's environmental risk. Details on the EJ pilot projects are provided in Section 3.

2.4 Improve Tools for Public Participation and Community Capacity-Building

Cal/EPA's Department of Toxic Substances Control (DTSC) staff will lead the intra-agency Outreach and Public Participation Workgroup (with representatives from all Cal/EPA BDOs) to accomplish, with appropriate stakeholder input, the following:

- Develop common public participation guidelines by the spring of 2005.
- Secure funds and implement Cal/EPA EJ Small Grants Program by the summer of 2005.
- Identify opportunities to address EJ in existing Cal/EPA loan and grant programs by the summer of 2005.
- Establish agency-wide translation contract by the summer of 2006.
- Develop EJ complaint resolution protocols by the summer of 2006.
- Update the Cal/EPA EJ Web page on an on-going basis to provide information and tools to facilitate public participation and community capacity-building.

2.5 Ensure Meaningful Public Participation in Implementing the EJ Action Plan

Cal/EPA will continue the following activities to ensure appropriate stakeholder input in all EJ efforts:

- Conduct meetings and/or teleconferences with community groups and other stakeholders.
- Participate in EJ toxic tours.
- Provide updates to the Legislature and other stakeholders on EJ implementation progress and obtain input on key action plan components.

Public participation efforts will build upon the successful collaborative model established by Senate Bill 89 (Escutia, statutes of 2000). This legislation established the Cal/EPA Interagency Working Group on Environmental Justice (IWG) to assist the Secretary with developing an EJ strategy, and the Cal/EPA Advisory Committee on Environmental Justice (Advisory Committee) to assist and advise the IWG in making recommendations to the Secretary. Together, the IWG and Advisory Committee ensured that Cal/EPA's EJ strategy is based on input from many stakeholders of various regions, backgrounds, disciplines, and perspectives.

Cal/EPA will continue to utilize this collaborative model and will engage the IWG and Advisory Committee in implementing the EJ action plan to ensure meaningful stakeholder input. Cal/EPA will also seek the Advisory Committee's assistance in organizing Local Advisory Groups (LAGs) for stakeholder input on the specific issues being explored through the EJ pilot projects.

Additionally, Cal/EPA and BDOs staffs will conduct public workshops to discuss ideas and receive stakeholder input on the activities in the EJ action plan. Workshops will be conducted early in the process to solicit relevant information, data, and suggestions for the direction and scope of these efforts.

Further details regarding public participation in implementation of the EJ action plan are discussed in Section 4.

3. EJ PILOT PROJECTS

To facilitate EJ integration in environmental priorities, Cal/EPA will conduct EJ pilot projects that incorporate some of the themes in the Governor's Environmental Action Plan. The purpose of Cal/EPA's EJ pilot projects will be to explore practical application of precautionary approaches and mitigation strategies to reduce children's environmental risk in specific scenarios.

3.1 Scenarios and Leads

Cal/EPA's BDOs will develop and conduct EJ pilot projects, as described below. The projects will focus on environmental exposure and risk factors that impact children's health. Each pilot project team will establish, with appropriate stakeholder input, a Children's Environmental Risk Reduction Plan (ChERRP) to explore application of practical strategies for reducing children's environmental risk.

- The Air Resources Board (ARB) staff will lead a pilot project in Southern California, focusing on mobile and stationary source emissions, particularly emissions near highways and industrial sources, in an urban community.
- The Department of Pesticide Regulation (DPR) staff will lead a pilot project in the Central Valley, focusing on pesticide issues in a rural, farming community.
- The Department of Toxic Substances Control (DTSC) staff will lead a pilot project in Northern California, focusing on Brownfield and site remediation issues in an urban community.
- The State Water Resources Control Board (SWRCB) staff will lead a pilot project in Northcentral California, focusing on water resources management and related environmental issues in a tribal or rural community.

3.2 Organization and Tasks

Cal/EPA's Office of the Secretary staff, with assistance from the Cal/EPA Children's Environmental Health Center, will ensure internal coordination of the pilot projects with the activities of the Precautionary Approaches Workgroup, Multi-media Cumulative Impacts Workgroup, and Outreach and Public Participation Workgroup. Cal/EPA recognizes the importance of ensuring public participation in developing and conducting the EJ pilot projects. Section 4 provides details on the public participation component of the EJ action plan to ensure meaningful stakeholder input into the following tasks:

- Develop parameters and proposals for the EJ pilot projects.
- Develop ChERRPs for the pilot project areas.
- Evaluate pilot projects and develop recommendations for incorporating cumulative impacts methodology and precautionary approaches into environmental decision-making.

3.3 Important Considerations

In developing and conducting the EJ pilot projects and ChERRPs, Cal/EPA and its BDOs will take steps to make decision-making processes more available and responsive to community concerns, pursue options that meet the business community's need for fair and predictable processes, and develop requirements that are feasible both technically and on the basis of cost. This is consistent with the objectives in seeking environmentally-just solutions as described in the October 2003 *Final Recommendations Report of the Cal/EPA Advisory Committee on Environmental Justice*.

Also in concert with the Advisory Committee's recommendations, Cal/EPA and its BDOs will strive to avoid extreme interpretations and seek options that do not have an adverse economic impact on the community, jobs, and rural and local governments. Within its legal authority to do so and as resources allow, Cal/EPA and its BDOs will incorporate stakeholder recommendations that the Agency and its BDOs determine to be reasonable and feasible. Cal/EPA and its BDOs will develop and implement the EJ pilot projects and ChERRPs in the spirit recommended by the Advisory Committee: "with a genuine desire to identify real environmental justice problems, including circumstances of disproportionate, cumulative impacts, and to make real and measurable improvements in those situations."

4. PUBLIC PARTICIPATION

Cal/EPA will engage the IWG and Advisory Committee in developing recommendations to the Secretary for implementing the EJ action plan and in ensuring meaningful public participation in the implementation process. EJ stakeholders will provide input through public comment periods, staff workshops, respective public meetings of the IWG and Advisory Committee, and meetings of Local Advisory Groups (LAGs) that will focus on specific EJ pilot projects. The projected timeframe for these public participation venues is outlined in Section 5.

4.1 Public Workshops

Cal/EPA and BDOs staffs will conduct public workshops to discuss ideas and receive stakeholder comments on the activities of the Precautionary Approaches Workgroup, Multi-media Cumulative Impacts Workgroup, Outreach and Public Participation Workgroup, and EJ pilot project teams. Workshops will be conducted early in the process to solicit relevant information, data, and suggestions for the direction and scope of these efforts.

4.2 Meetings of the Advisory Committee and Local Advisory Groups (LAGs)

The Advisory Committee provides information, recommendations, and advice to the IWG. The Committee represents EJ stakeholders from around the state and across different spectrums and interests, reflecting their various concerns and interests. Cal/EPA will seek input from the members of the Advisory Committee during implementation of the EJ action plan. Additionally, Cal/EPA requests that Subcommittees be formed, pursuant to the Advisory Committee's by-laws, to organize and lead four Local Advisory Groups (LAGs). The LAGs will provide information and stakeholder input on the specific issues being explored through Cal/EPA's EJ pilot projects. Subcommittee members and pilot project teams will conduct LAG meetings to ensure stakeholder input in establishing ChERRPs.

4.3 Meetings of the Interagency Working Group

The IWG will meet to develop recommendations to the Secretary on, but not limited to, the following matters: selection of EJ pilot projects; approval of ChERRPs; and integration of cumulative impacts methodology and precautionary approaches into environmental decision-making.

5. MILESTONES

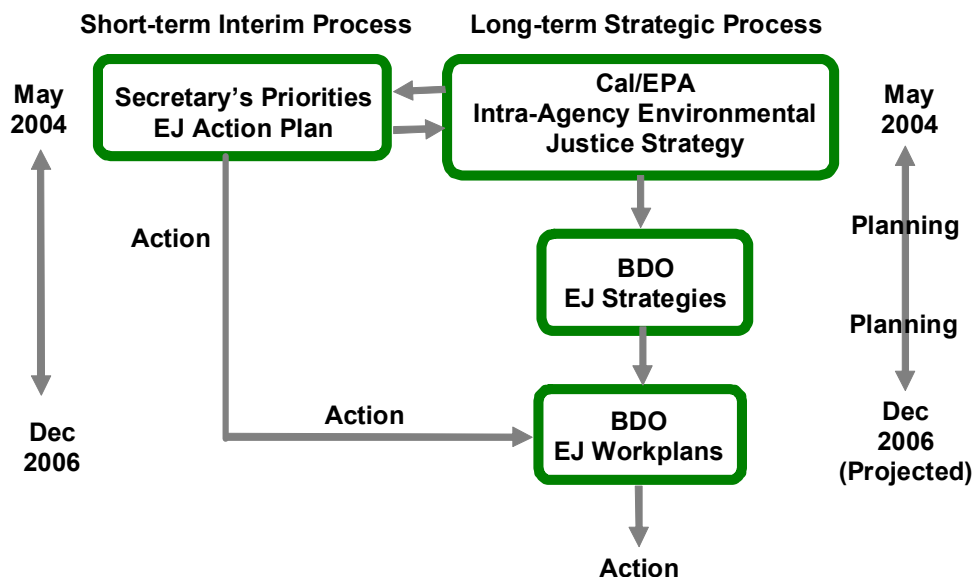
The EJ action plan will be updated by Cal/EPA as-needed in response to new, significant and relevant information, opportunities, or needs. As of August 2004, the following is Cal/EPA's projected timeframe for milestones in implementing the EJ action plan:

- **August 2004:** Cal/EPA releases draft EJ action plan for 30-day public comment period.
- **September 2004:** Cal/EPA reviews comments and revises EJ action plan as appropriate, before finalizing the EJ action plan.
- **October – December 2004:** Cal/EPA organizes the intra-agency EJ action plan workgroups. Cal/EPA and BDOs staffs conduct public workshops to solicit information for and recommendations on the activities of the Precautionary Approaches Workgroup, Multi-media Cumulative Impacts Workgroup, Outreach and Public Participation Workgroup, and EJ pilot project teams.
- **Early January 2005:** IWG meets to be briefed on BDOs strategic planning efforts, discuss workgroups' efforts and pilot project concept proposals, and provide input to the Secretary on workgroups' direction and pilot project selection.
- **Late January 2005:** Advisory Committee meets to be briefed on BDOs strategic planning efforts and EJ action plan implementation progress, and form Subcommittees to organize and lead LAGs for the EJ pilot projects.
- **Spring 2005:** LAGs and workgroups conduct public meetings to solicit stakeholder input for EJ pilot projects and ChERRPs.
- **Fall 2005:** IWG meets to receive updates on EJ action plan implementation and BDOs strategic planning process, and to discuss and finalize recommendations to the Secretary on guidance developed by the Precautionary Approaches Workgroup and the Multi-media Cumulative Impacts Workgroup, and on ChERRPs for pilot projects. The Secretary approves and BDOs initiate ChERRPs.
- **Summer 2006:** Advisory Committee meets to discuss progress of BDOs strategic planning efforts, EJ action plan implementation, pilot projects and ChERRPs, and to provide feedback to workgroups.
- **Fall 2006:** IWG meets to discuss EJ action plan implementation and BDOs strategic planning efforts, evaluate pilot projects and ChERRPs, and make recommendations to the Secretary on next steps in integrating cumulative impact and precautionary approaches into environmental programs, policies and activities.

6. CONCLUSION

The EJ action plan provides opportunities for Cal/EPA and its BDOs to take the initial steps toward addressing complex EJ issues such as precautionary approaches and cumulative impacts. Cal/EPA will explore approaches for addressing EJ issues and develop implementation options, including proposals for policy, regulatory, and statutory changes, to advance the integration of EJ into its environmental programs.

The short-term activities of the EJ action plan will feed back into the long-term strategic planning process, and vice versa. These efforts will combine into an integrated EJ implementation mechanism for Cal/EPA. Together, the long-term strategic planning process and the short-term action plan form the “Two-Pathway Approach” that Cal/EPA is taking to implement environmental justice. This approach is illustrated by the graphic below.



By utilizing both pathways, Cal/EPA ensures a comprehensive, multi-faceted approach to EJ integration, with long-term strategic planning and short-term actions to move forward on key environmental justice concepts.